

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA

*

V.

*

CAUSE NO. M-21-1970

EXAR ADRIAN LINDO-AYALA

*

WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT
AND ENTRY OF PLEA OF NOT GUILTY

TO THE HONORABLE JUDGE OF SAID COURT

COMES NOW, EXAR ADRIAN LINDO-AYALA, in this case, by his attorney JOSE A. MARTINEZ, Assistant Federal Public Defender, and files this his Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty, for his Arraignment scheduled for October 27, 2021 at 1:00 p.m. and for just cause would show the Court as follows:

I.

Mr. EXAR ADRIAN LINDO-AYALA was arrested on or about September 25, 2021, and was charged with unlawfully present in the United States after being previously excluded, deported, and removed in violation of Title 8 U.S.C. § 1326.

II.

The indictment was disclosed to Mr. EXAR ADRIAN LINDO-AYALA and he understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his constitutional rights, after being advised of all the above by his attorney. He further understands he has the right to appear personally with his attorney before a judge for arraignment in open court on this accusation. The defendant further understands that, absent the present waiver, he will be so arraigned in open court.

III.

Having conferred with Defense Counsel in this regard, Mr. EXAR ADRIAN LINDO-AYALA hereby waives personal appearance with his attorney at the arraignment of this case and the reading of the criminal indictment, and, by this instrument tenders his plea of "not guilty." He understands that once the Court accepts and enters said plea, this will conclude the arraignment in this case for all purposes.

WHEREFORE, PREMISES CONSIDERED, EXAR ADRIAN LINDO-AYALA prays that his appearance at the arraignment be waived and a plea of Not Guilty be entered on his behalf.

Respectfully submitted,

MARJORIE A. MEYERS
Federal Public Defender
Southern District of Texas
Texas State Bar No. 14003750
Southern District of Texas No. 3233

By s/ Jose A. Martinez
JOSE A. MARTINEZ
Assistant Federal Public Defender
Attorney-in-Charge
Texas State Bar No. 24067743
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2021, a copy of the foregoing Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty of the Defendant, EXAR ADRIAN LINDO-AYALA, was served upon Sarina DiPiazza, Assistant United States Attorney, Southern District of Texas, by delivering a copy of same to the office located at 1701 W. Business Hwy. 83, Suite 600, McAllen, Texas by electronic notification.

s/ Jose A. Martinez
JOSE A. MARTINEZ
Assistant Federal Public Defender